

REMARKS

Claims 1-23 are pending in the present application. The Office Action dated May 31, 2003 indicates that claims 1-23 are subject to restriction and/or election requirement. Specifically, the Examiner requires election between:

Group I, claims 1-4 (in part) and 6-23 (in part), drawn to composition comprising a compound of formula (I) wherein rings A and B are phenyl and ring C is pyridyl and corresponding method of use;

Group II, claims 1-4 (in part) and 6-23 (in part), drawn to composition comprising a compound of formula (I) wherein rings A and B are phenyl and ring C is pyrimidinyl and corresponding method of use;

Group III, claims 1-4 (in part) and 6-23 (in part), drawn to composition comprising a compound of formula (I) wherein rings A and B are phenyl and ring C is pyridazinyl and corresponding method of use;

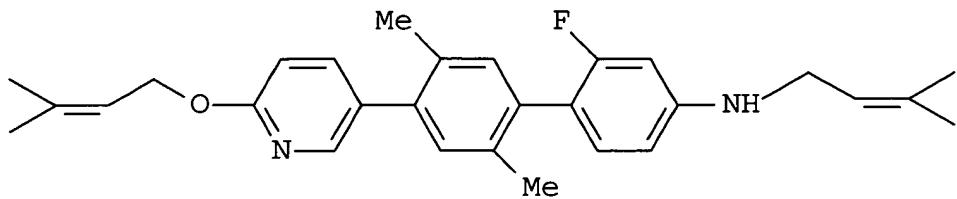
Group IV, claims 1-4 (in part) and 6-23 (in part), drawn to composition comprising a compound of formula (I) wherein rings A and B are phenyl and ring C is pyrazinyl and corresponding method of use;

Group V, claims 1-4 (in part), 5, and 6-23 (in part), drawn to composition comprising a compound of formula (I) wherein rings A, B, and C are phenyl and corresponding method of use; and

Group VI, claims 1-4 (in part) and 6-23 (in part), drawn to composition comprising a compound of formula (I) wherein rings A, B, and C are other than those of Groups I-V and corresponding method of use.

For the purpose of examination of the present application, Applicants elect, with traverse, Group I, claims 1-4 (in part) and 6-23 (in part), drawn to composition comprising a compound of formula (I) wherein rings A and B are phenyl and ring C is pyridyl and corresponding method of use.

Furthermore, the Examiner requires Applicants to elect a single disclosed species falling within the elected group. Thus, Applicants elect compound I-6, as shown below, as the single disclosed specie for examination with traverse. Claims 1-4, 6, and 8-23 read on compound I-6.



The Examiner asserts that the inventions of Groups I-VI do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for being structurally dissimilar compounds. Applicants respectfully disagree with the Examiner's assertion that the claims of Groups I-VI lack the same

or corresponding special technical feature. The claims of Groups I-VI are all directed to pharmaceutical compositions that are Th2 differentiation inhibitors. Further, the compounds of the claims all have the common structure of ring A, ring B, and ring C wherein each is independently an optionally substituted aromatic carbocyclic ring or an optionally substituted 5- or 6-membered heterocyclic ring which may be fused with a benzene ring. Thus, since the compounds have a common structure and the same utility, unity is present.

For these reasons, the Examiner is respectfully requested to withdraw the restriction requirement and rejoin all claims for examination.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Kristi L. Rupert, Ph.D. (Reg. No. 45,702) at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

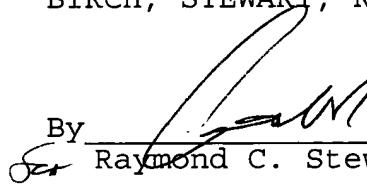
If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional

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fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17;
particularly, extension of time fees.

Respectfully submitted,

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